

194. (Amended) A method for making a plastic eyeglass lens, comprising:

placing a liquid lens forming composition in a mold cavity defined by at least a first mold member and a second mold member, the lens forming composition comprising:

a monomer composition comprising an aromatic containing polyethylenic polyether functional monomer; and

a photoinitiator configured to initiate polymerization of the monomer composition in response to being exposed to activating light; and

directing activating light toward at least one of the mold members to cure the lens forming composition to form the eyeglass lens.

202. (Amended) The method of claim 194, further comprising applying an adhesion-promoter coating to an inner surface of the first mold member and an inner surface of the second mold member to substantially adhere the lens forming composition to the first and second mold members.

**A. Pending Claims**

Claims 194-214 and 217 have been rejected. Claims 194 and 202 have been amended. Claim 217 has been canceled. Claims 194-214 are pending in the case.

**B. The Claims Are Definite Pursuant To 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 194-214 and 217 under 35 U.S.C. § 112, second paragraph,

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“as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Applicant has amended the claims for clarification.

**C. The Claims Are Not Anticipated By The Cited Art Pursuant To 35 U.S.C. § 102(b)**

The Examiner rejected claims 194-201 and 203-214 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,529,728 to Buazza et al. (hereinafter “Buazza -728”). Applicant respectfully disagrees.

The standard for “anticipation” is one of fairly strict identity. A claim can only be anticipated if each and every element set forth in the claims is found to be either expressly or inherently described in the cited art. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 728, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP § 2131.

Amended claim 194 recites, in part “a monomer composition comprising an aromatic containing polyethylenic polyether functional monomer.” Applicant submits that Buazza -728 does not appear to teach or suggest all of the features of the claims, including but not limited to, “a monomer composition comprising an aromatic containing polyethylenic polyether functional monomer.” As set out in the Specification:

The monomer composition preferably includes an aromatic containing polyethylenic polyether functional monomer. In an embodiment, the polyether employed is an ethylene oxide derived polyether, propylene oxide derived polyether, or mixtures thereof. Preferably, the polyether is an ethylene oxide derived polyether. The aromatic polyether polyethylenic functional monomer preferably has the general structure (V), depicted below where each  $R_2$  is a polymerizable unsaturated group,  $m$  and  $n$  are independently 1 or 2, and the average values of  $j$  and  $k$  are each independently in the range of from about 1 to about 20. Common polymerizable unsaturated groups include vinyl, allyl, allyl carbonate, methacrylyl, acrylyl, methacrylate, and acrylate.

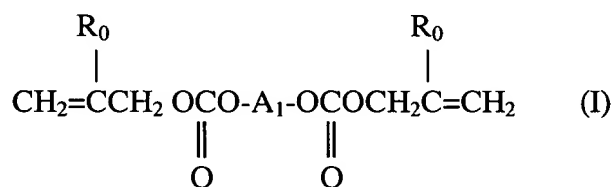


A<sub>1</sub> is the divalent radical derived from a dihydroxy aromatic-containing material.

(Specification, page 89, lines 6-18).

Buazza -728, however, describes a monomer composition chemically distinct from the aromatic containing polyethylenic polyether functional monomer. Buazza states that, "According to the present invention a polymerizable lens forming composition comprises an aromatic-containing bis-(allyl carbonate)-functional monomer and at least one polyethylenic-functional monomer containing two ethylenically unsaturated groups selected from acrylyl and methacrylyl." (Buazza -728, column 11, lines 38-42). Buazza -728 further states:

The aromatic-containing bis(allyl carbonate)-functional monomers can be represented by the formula:



(Buazza -728, column 11, lines 59-65).

Buazza -728 appears to teach a monomer composition comprising an aromatic-containing bis-(allyl carbonate)-functional monomer. Applicant submits that Buazza -728 does not appear to teach or suggest "a monomer composition comprising an aromatic containing polyethylenic polyether functional monomer."

In addition, many of the dependent claims are separately patentable. For example, claim

203 recites, in part “the activating light is removed from the mold members when substantially all of the lens forming composition has reached its gel point.” The features of this claim, in combination with the features of independent claim 194, do not appear to be taught or suggested by the cited art.

Claim 210 recites, in part “comprising placing a filter substantially adjacent to at least one of the mold members, wherein the filter comprises a varying thickness such that the filter varies an intensity distribution of activating light across the mold members.” The features of this claim, in combination with the features of independent claim 194, do not appear to be taught or suggested by the cited art.

**D. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)**

The Examiner rejected claim 202 under 35 U.S.C. § 103(a) as being unpatentable over Buazza -728. Applicant respectfully disagrees.

If an independent claim is nonobvious under 35 U.S.C. § 103, then its dependent claims therefrom are nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP § 2143.03.

Amended claim 202 recites, in part “comprising applying an adhesion-promoter coating to an inner surface of the first mold member and an inner surface of the second mold member to substantially adhere the lens forming composition to the first and second mold members.” The features of this claim, in combination with the features of independent claim 194, do not appear to be obvious in view of the cited art.

**E. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)**

The Examiner rejected claim 217 under 35 U.S.C. § 103(a) as being unpatentable over Buazza -728 in view of U.S. Patent No. 4,889,664 to Kindt-Larsen et al. (hereinafter "Kindt-Larsen"). Claim 217 has been canceled, and thus its rejection is therefor moot.

**F. Double Patenting Rejection**

The Examiner rejected claim 217 under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 5,989,462. Claim 217 has been canceled, and thus its rejection is therefor moot.